IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

OP.No. 1517 of 1996(E)

PETITIONERS:
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1. T.P. SUKUMARA MANNADIAR, PUTHAN VEEDU, KIZHAKKETHARA, KUTHANUR.

(2. K. MUTHUMALA, KANDATH VEEDU, KIZHAKKETHARA, KUTHANUR (*))

(*) NAME OF SECOND PETITIOINER IS STRUCK OFF AS PER THE ORDER DT. 3.3.2005 IN IA.2865/05.

ADDL.PRD PETITIONER IMPLEADED:

ADDL.P3. N. VENUGOPALA MANNADIAR, S/O.K.NARAYANA MANNADIAR, NAMBIYARATH VEEDU, KIZHAKKETHARA, PALAKKAD.

IMPLEADED AS PER ORDER ON IA.2864/05 DT .3.3.2005.

BY ADV.
SRI.S.EASWARAN

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE JOINT SECRETARY, DEPT. OF REVENUE, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. ASST. COMMISSINER, HINDU RELIGIOUS ANC CHARITABLE EMDOWMENT (AD) DEPT., PALAKKAD.

ADDL.R3 IMPLEADED.

ADDL.R3.THE COMMISSIONER, HINDU RELIGIOUS AND CHARITABLE ENDOWMENT (AD) DEPT. KOZHIKODE.

IMPLEADED AS PER ORDER DT. 19.8.96 IN CMP.14261/96.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA
SRI.V.R.KESAVA KAIMAL(ADV.COMMR)

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NOS.2632/96, 14262/96,

23033/97, 39301/97, 399/98, 27332/99, 35652/00, 36252/00,

61301/00, 61302/00, 55998/00, 2635/01, 35704/02 & 49237/02.

DISMISSED.

4/9/2007

SD/- K.S.RADHAKRISHNAN,JUDGE.

SD/-A.K.BASHEER, JUDGE.

K.S. Radhakrishnan & A.K. Basheer, JJ.

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which was directed to be disposed of by this Court vide Ext.P5 judgment in O.P.No.19387/95. Accordingly the appellate authority issued Ext.P6 order dated 16/12/1995 holding that the Temple will continue to be under the control of Hindu Religious and Charitable Endowment (Administration) Department. It was also ordered that the Commissioner of the Department would transfer the present Executive Officer and post a suitable Executive Officer in his place so as to enable better administration of the temple. Various other directions were also issued by the appellate authority. It is also ordered by the appellate authority that as a short term and immediate step to improve the condition of the temple, the Commissioner would convene a meeting of the believers of the temple and formulate an action plan within a month. It was also ordered that the Commissioner would also pursue the matter based on the guidelines in G.O.(Ms).481/95/RD dated 10/10/1995. It is against Ext.P6 order that this original petition is preferred .

3. This Court passed various orders so as to enable smooth management of the temple, taking into consideration welfare of the devotees. An Advocate Commissioner was also appointed to conduct a local inspection and to report the manner in which the affairs of the temple are being carried out. Renovation works were also undertaken at the supervision of the Commissioner and it is stated that renovation work as also other religious activities were completed. Advocate Commissioner submits that he has already opened an account for undertaking various works in connection with the temple. He further

submits that he will hand over all the records including the Bank Passbook etc. to the Executive Officer with notice to the trustees. We are informed that 1.96 acres of land has already been proceeded against as forest land illegally. An application dated 12/5/98 has been preferred by the Commissioner before the Divisional Forest Officer, Nenmara, Palakkad against that order and the same is pending consideration. We direct the Executive Officer to pursue the matter in consultation with the Samithi and hereditary Trustees and formulate an action plan for proper administration of the temple. Temple trustees as well as the Executive Officer can approach the Commissioner as ordered by the appellate authority, if it is found necessary.

With the above directions, the Original Petition is disposed of.

K.S.Radhakrishnan
Judge.

A.K. Basheer
Judge.

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A.K. Basheer
Judge.

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